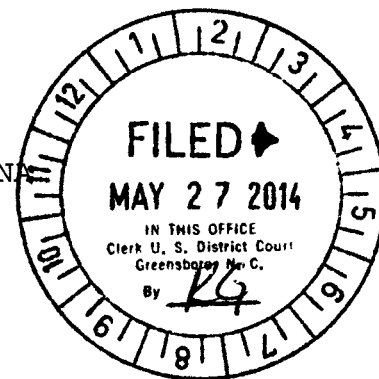


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA

v.

THOMAS ISAIAH BRANCH, JR.  
KEITH DARNELL DILLARD, JR.  
NNEKA AYANNA DAVIS

:  
:  
:  
:  
:  
:  
:

1:14CR 178 -1  
1:14CR 178 -2  
1:14CR 178 -3

The Grand Jury Charges:

COUNTS ONE THROUGH FIFTY-ONE

GENERAL ALLEGATIONS

1. At all times material to this Indictment, THOMAS ISAIAH BRANCH, JR., KEITH DARNELL DILLARD, JR., and NNEKA AYANNA DAVIS were residents of Greensboro, North Carolina, in the Middle District of North Carolina.

2. At all times material to this Indictment, Nothing But Taxes, Inc. (NBT) was a tax return preparation firm with branches in various locations throughout North Carolina, including a branch in Greensboro, North Carolina, in the Middle District of North Carolina. At all times material herein, THOMAS ISAIAH BRANCH, JR., was the manager of, and KEITH DARNELL DILLARD, JR., and NNEKA AYANNA DAVIS were return preparers employed, by the Greensboro branch of NBT. All three defendants prepared returns for clients of NBT.

3. From in or about January 2009, continuing up to and including in or about April 2011, the exact dates to the Grand Jurors unknown, in the Middle District of North Carolina, and elsewhere, THOMAS ISAIAH BRANCH, JR., KEITH DARNELL DILLARD, JR., NNEKA AYANNA DAVIS, and divers other persons, both known and unknown to the Grand Jurors, did devise and intend to devise a scheme and artifice to defraud the government and to obtain money from the government by means of false and fraudulent pretenses, representations, and promises, by preparing and electronically filing and causing to be filed with the Internal Revenue Service ("IRS") tax returns on behalf of NBT clients which the defendants then and there knew to be false. Such false returns included false income, deductions, and credits, and claimed exemptions and credits based on false dependents, which the client was not entitled to claim. As a result, as THOMAS ISAIAH BRANCH, JR., KEITH DARNELL DILLARD, JR., and NNEKA AYANNA DAVIS then well knew, the fraudulent returns caused the IRS to issue inflated tax refunds to which the NBT clients were not entitled.

#### SCHEME AND ARTIFICE

4. It was part of the scheme and artifice to defraud that THOMAS ISAIAH BRANCH, JR., KEITH DARNELL DILLARD, JR., and NNEKA AYANNA DAVIS added materially false items to tax returns prepared for clients at the NBT branch in Greensboro, Guilford County, North Carolina, for the purpose of fraudulently increasing the

size of the refund returned to the clients. Such materially false items included, among other things, inflated income, false dependents, fictitious Schedule C businesses, false education credits, and false Earned Income Tax Credits.

5. It was a further part of the scheme and artifice to defraud that THOMAS ISAIAH BRANCH, JR., KEITH DARNELL DILLARD, JR., and NNEKA AYANNA DAVIS offered their clients a large tax refund in exchange for a cash fee which was only charged when a return was falsified. This arrangement was sometimes referred to as the "hook up." Such cash fees were in addition to the standard return preparation charged by NBT to every client, whether or not his return was falsified.

6. It was a further part of the scheme and artifice to defraud that THOMAS ISAIAH BRANCH, JR., KEITH DARNELL DILLARD, JR., and NNEKA AYANNA DAVIS unlawfully obtained means of identification of other people, including names, dates of birth, and Social Security numbers.

7. It was a further part of the scheme and artifice to defraud that THOMAS ISAIAH BRANCH, JR., KEITH DARNELL DILLARD, JR., and NNEKA AYANNA DAVIS used the means of identification described in paragraph 6 above to claim false dependents on tax returns prepared for NBT clients at the NBT branch in Greensboro, North Carolina.

8. It was a further part of the scheme and artifice to defraud that THOMAS ISAIAH BRANCH, JR., KEITH DARNELL DILLARD, JR., and NNEKA AYANNA DAVIS personally prepared false and fraudulent tax returns for NBT clients. In some cases the defendants falsely stated on tax returns they prepared that those returns were prepared by other NBT employees.

9. It was a further part of the scheme and artifice to defraud that THOMAS ISAIAH BRANCH, JR., KEITH DARNELL DILLARD, JR., and NNEKA AYANNA DAVIS transmitted and caused to be transmitted via electronic wire communications from the NBT branch at Greensboro, North Carolina, the fraudulent tax returns which they had prepared. The fraudulent tax returns were transmitted first to a software company near Asheville, North Carolina, and then filed via wire communications in interstate commerce with an IRS Service Center outside of the state of North Carolina, all for the purpose of obtaining the falsely-inflated income tax refunds.

10. It was a further part of the scheme and artifice to defraud that THOMAS ISAIAH BRANCH, JR., KEITH DARNELL DILLARD, JR., and NNEKA AYANNA DAVIS knew that, upon processing of the fraudulent returns, the IRS would electronically transfer the fraudulently inflated tax refund to an intermediary bank, which would authorize the NBT branch in Greensboro, North Carolina, to issue a check to the client. The bank, on behalf of NBT, would

then deduct a standard \$295.00 to \$325.00 preparation fee from the refund.

11. It was a further part of the scheme and artifice to defraud that THOMAS ISAIAH BRANCH, JR., KEITH DARNELL DILLARD, JR., and NNEKA AYANNA DAVIS directed that NBT clients pay further cash fees ranging from \$250.00 to \$2,000.00 per fraudulent return. The defendants did not inform their NBT clients that a \$295.00 to \$325.00 preparation fee had already been deducted from their refunds.

12. It was a further part of the scheme and artifice to defraud that THOMAS ISAIAH BRANCH, JR., KEITH DARNELL DILLARD, JR. and NNEKA AYANNA DAVIS often required that NBT customers cash their refund or rapid refund loan checks and immediately pay defendants their fees for preparation of the fraudulent tax returns.

13. It was a further part of the scheme and artifice to defraud that THOMAS ISAIAH BRANCH, JR., KEITH DARNELL DILLARD, JR. and NNEKA AYANNA DAVIS required that NBT clients be escorted to a bank or check-cashing business by an employee of NBT, who would collect the defendants' fees from the NBT customers as soon as the refund or rapid refund loan checks were cashed. The NBT escort would then return the cash to the return preparer at the NBT office.

14. It was further part of the scheme and artifice to defraud that KEITH DARNELL DILLARD, JR., would and did create false course schedules to provide to NBT clients. Such schedules were intended to create a paper trail that would justify claiming an education credit on the client's tax return, when in fact, as KEITH DARNELL DILLARD, JR., well knew, the clients to whom such schedules were provided did not incur any creditable expenses.

#### STATUTORY ALLEGATIONS

15. On or about the dates listed below, in the County of Guilford, in the Middle District of North Carolina, and elsewhere, the defendants specified below, having devised a scheme and artifice to defraud and for obtaining money by means of false or fraudulent pretenses, representations, and promises, as described in paragraphs One through Fourteen above, for the purpose of executing said scheme and artifice transmitted and caused to be transmitted by means of wire communications in interstate commerce certain writings, signs, signals, pictures, and sounds, that is, federal income tax returns for the individuals identified below, which tax returns they knew to be false, and each of which was transmitted electronically by means of wire communications from the NBT office in Greensboro, North Carolina, to an IRS Service Center outside the state of North Carolina:

| Count | Defendant Charged          | Date      | Client | Tax Year | False Item(s)   |
|-------|----------------------------|-----------|--------|----------|---|
| 1     | NNEKA AYANNA DAVIS         | 1/16/2009 | M.R.   | 2008     | unreported tip income \$1,500.00                        |
| 2     | THOMAS ISAIAH BRANCH, JR.  | 1/29/2009 | T.H.   | 2008     | dependent W.R.  |
| 3     | THOMAS ISAIAH BRANCH, JR.  | 2/2/2009  | B.G.   | 2008     | wages \$8,537.00  |
| 4     | THOMAS ISAIAH BRANCH, JR.  | 2/9/2009  | D.S.   | 2008     | dependent G.B.; qualified education expenses \$1,850.00 |
| 5     | NNEKA AYANNA DAVIS         | 2/27/2009 | L.M.   | 2008     | wages \$7,177.00  |
| 6     | NNEKA AYANNA DAVIS         | 1/19/2010 | M.R.   | 2009     | unreported tip income \$4,320.00                        |
| 7     | THOMAS ISAIAH BRANCH, JR.  | 1/20/2010 | A.M.   | 2009     | wages \$8,124.00  |
| 8     | NNEKA AYANNA DAVIS         | 1/26/2010 | R.H    | 2009     | dependent T.A.  |
| 9     | THOMAS ISAIAH BRANCH, JR.  | 2/1/2010  | K.B.   | 2009     | household help income \$5,000.00                        |
| 10    | KEITH DARNELL DILLARD, JR. | 2/1/2010  | H.G.   | 2009     | qualified education expenses \$1,126.00                 |
| 11    | NNEKA AYANNA DAVIS         | 2/2/2010  | J.S.   | 2009     | wages \$8,943.00  |
| 12    | THOMAS ISAIAH BRANCH, JR.  | 2/3/2010  | J.C.   | 2009     | dependent P.G.  |
| 13    | THOMAS ISAIAH BRANCH, JR.  | 2/3/2010  | S.H.   | 2009     | qualified education expenses \$1,187.00                 |
| 14    | KEITH DARNELL DILLARD, JR. | 2/5/2010  | C.R.   | 2009     | dependent D.M.  |
| 15    | KEITH DARNELL DILLARD, JR. | 2/8/2010  | C.S.   | 2009     | qualified education expenses \$3,750.00                 |

|    |                                  |           |      |      |   |
|----|----------------------------------|-----------|------|------|---|
| 16 | NNEKA AYANNA<br>DAVIS            | 2/8/2010  | V.M. | 2009 | qualified<br>education expenses<br>\$3,011.00;<br>taxpayer's adult<br>child falsely<br>claimed as<br>disabled |
| 17 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/10/2010 | D.H. | 2009 | disability;<br>qualified<br>education expenses<br>\$1,850.00  |
| 18 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/12/2010 | L.M. | 2009 | dependent C.G.  |
| 19 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/12/2010 | L.W. | 2009 | dependent M.W.;<br>wages \$6,857.00   |
| 20 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/16/2010 | T.H. | 2009 | dependent S.M.;<br>household help<br>income \$6,928.00  |
| 21 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/22/2010 | B.G. | 2009 | dependent C.T.;<br>unreported tip<br>income \$4,121.00  |
| 22 | KEITH<br>DARNELL<br>DILLARD, JR. | 3/1/2010  | R.W. | 2009 | dependent H.W.;<br>qualified<br>education expenses<br>\$1,650.00  |
| 23 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 3/10/2010 | D.S. | 2009 | dependent H.T.;<br>qualified<br>education expenses<br>\$1,560.00  |
| 24 | NNEKA AYANNA<br>DAVIS            | 1/14/2011 | M.R. | 2010 | unreported tip<br>income \$3,988.00   |
| 25 | NNEKA AYANNA<br>DAVIS            | 1/18/2011 | C.B. | 2010 | qualified<br>education expenses<br>\$1,500.00; IRA<br>contribution<br>\$1,000.00                              |
| 26 | KEITH<br>DARNELL<br>DILLARD, JR. | 1/19/2011 | M.G. | 2010 | qualified<br>education expenses<br>\$1,450.00   |



|    |                                  |           |      |      |   |
|----|----------------------------------|-----------|------|------|---|
| 27 | NNEKA AYANNA<br>DAVIS            | 1/20/2011 | V.M. | 2010 | qualified<br>education expenses<br>\$1,498.00;<br>taxpayer's adult<br>child falsely<br>claimed as<br>disabled |
| 28 | KEITH<br>DARNELL<br>DILLARD, JR. | 1/22/2011 | M.G. | 2010 | dependent I.E.;<br>unreported tip<br>income \$1,750.00;<br>qualified<br>education expenses<br>\$1,800.00      |
| 29 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 1/24/2011 | T.H. | 2010 | dependent J.P.;<br>unreported tip<br>income \$6,422.00  |
| 30 | KEITH<br>DARNELL<br>DILLARD, JR. | 1/24/2011 | G.M. | 2010 | dependent S.M.  |
| 31 | NNEKA AYANNA<br>DAVIS            | 1/24/2011 | J.S. | 2010 | unreported tip<br>income \$3,998.00;<br>qualified<br>education expenses<br>\$1,225.00                         |
| 32 | KEITH<br>DARNELL<br>DILLARD, JR. | 1/26/2011 | D.G. | 2010 | dependent H.P;<br>unreported tip<br>income \$2,940.00   |
| 33 | NNEKA AYANNA<br>DAVIS            | 1/28/2011 | L.M. | 2010 | unreported tip<br>income \$2,550.00   |
| 34 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 1/31/2011 | A.M. | 2010 | unreported tip<br>income \$5,780.00   |
| 35 | NNEKA AYANNA<br>DAVIS            | 1/31/2011 | B.S. | 2010 | dependent D.W.;<br>unreported tip<br>income \$1,200.00  |
| 36 | NNEKA AYANNA<br>DAVIS            | 2/1/2011  | J.S. | 2010 | dependent M.W.  |

|    |                                  |           |      |      |  |
|----|----------------------------------|-----------|------|------|--|
| 37 | NNEKA AYANNA<br>DAVIS            | 2/1/2011  | S.S. | 2010 | unemployment<br>benefits \$0;<br>unreported tip<br>income \$4,065.00;<br>qualified<br>education expenses<br>\$1,000.00 |
| 38 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/2/2011  | K.B. | 2010 | unreported tip<br>income \$5,840.00;<br>qualified<br>education expenses<br>\$1,956.00                                  |
| 39 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/2/2011  | S.H. | 2010 | unreported tip<br>income \$8,402.00  |
| 40 | NNEKA AYANNA<br>DAVIS            | 2/2/2011  | R.H  | 2010 | dependent S.S.;<br>qualified<br>education expenses<br>\$1,958.00   |
| 41 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/4/2011  | C.S. | 2010 | dependent J.W.;<br>qualified<br>education expenses<br>\$3,350.00   |
| 42 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/9/2011  | D.H. | 2010 | disability;<br>qualified<br>education expenses<br>\$2,350.00;<br>Schedule C net<br>income \$5,840.00                   |
| 43 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/10/2011 | C.P. | 2010 | unreported tip<br>income \$10,770.00   |
| 44 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/10/2011 | D.S. | 2010 | dependent H.T;<br>qualified<br>education expenses<br>of \$4,000.00 for<br>D.S. and \$950.00<br>for H.T.                |
| 45 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/11/2011 | T.M. | 2010 | qualified<br>education expenses<br>\$2,987.00  |
| 46 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/11/2011 | M.M. | 2010 | qualified<br>education expenses<br>\$2,850.00  |

|    |                                  |           |                     |      |  |
|----|----------------------------------|-----------|---------------------|------|--|
| 47 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/12/2011 | S.C.<br>and<br>B.C. | 2010 | qualified<br>education expenses<br>\$969.00  |
| 48 | NNEKA AYANNA<br>DAVIS            | 2/18/2011 | B.H.                | 2010 | unreported tip<br>income \$4,285.00  |
| 49 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/28/2011 | L.M.                | 2010 | dependent F.W.;<br>qualified<br>education expenses<br>\$3,398.00   |
| 50 | KEITH<br>DARNELL<br>DILLARD, JR. | 3/22/2011 | K.M.                | 2010 | qualified<br>education expenses<br>\$4,000.00  |
| 51 | NNEKA AYANNA<br>DAVIS            | 3/24/2011 | D.M.                | 2010 | dependent K.K.;<br>qualified<br>education expenses<br>\$1,980.00;<br>unreported tip<br>income \$4,725.00 |

All in violation of Title 18, United States Code, Section 1343.

#### COUNTS FIFTY-TWO THROUGH SEVENTY-THREE

1. The allegations of paragraphs One through Fourteen of Counts One through Fifty-One are realleged and incorporated by reference herein.

2. On or about the dates listed below, in the County of Guilford, in the Middle District of North Carolina, and elsewhere, the defendants specified below, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit: wire fraud, in violation of Title 18, United States Code, Section 1343, as alleged in Counts One through Fifty-One and incorporated by reference as specified below,

knowingly possessed and used, without lawful authority, a means of identification of another person, that is, the names and Social Security numbers of the individuals specified below:

| Count | Predicate Wire Fraud Count | Defendant                  | Date      | Victim | Victim's Social Security Number |
|-------|----------------------------|----------------------------|-----------|--------|---------------------------------|
| 52    | 2                          | THOMAS ISAIAH BRANCH, JR.  | 1/29/2009 | W.R.   | ***-**-6379                     |
| 53    | 4                          | THOMAS ISAIAH BRANCH, JR.  | 2/9/2009  | G.B.   | ***-**-6530                     |
| 54    | 8                          | NNEKA AYANNA DAVIS         | 1/26/2010 | T.A.   | ***-**-0781                     |
| 55    | 12                         | THOMAS ISAIAH BRANCH, JR.  | 2/3/2010  | P.G.   | ***-**-1764                     |
| 56    | 14                         | KEITH DARNELL DILLARD, JR. | 2/5/2010  | D.M.   | ***-**-0578                     |
| 57    | 18                         | THOMAS ISAIAH BRANCH, JR.  | 2/12/2010 | C.G.   | ***-**-7491                     |
| 58    | 19                         | KEITH DARNELL DILLARD, JR. | 2/12/2010 | M.W.   | ***-**-8309                     |
| 59    | 20                         | THOMAS ISAIAH BRANCH, JR.  | 2/16/2010 | S.M.   | ***-**-3021                     |
| 60    | 21                         | KEITH DARNELL DILLARD, JR. | 2/22/2010 | C.T.   | ***-**-7103                     |
| 61    | 22                         | KEITH DARNELL DILLARD, JR. | 3/1/2010  | H.W.   | ***-**-9175                     |
| 62    | 23                         | THOMAS ISAIAH BRANCH, JR.  | 3/10/2010 | H.T.   | ***-**-2222                     |
| 63    | 28                         | KEITH DARNELL DILLARD, JR. | 1/22/2011 | I.E.   | ***-**-8167                     |
| 64    | 29                         | THOMAS ISAIAH BRANCH, JR.  | 1/24/2011 | J.P.   | ***-**-4377                     |
| 65    | 30                         | KEITH DARNELL DILLARD, JR. | 1/24/2011 | S.M.   | ***-**-3021                     |
| 66    | 32                         | KEITH DARNELL DILLARD, JR. | 1/26/2011 | H.P.   | ***-**-7212                     |
| 67    | 35                         | NNEKA AYANNA DAVIS         | 1/31/2011 | D.W.   | ***-**-2292                     |
| 68    | 36                         | NNEKA AYANNA DAVIS         | 2/1/2011  | M.W.   | ***-**-2167                     |
| 69    | 40                         | NNEKA AYANNA DAVIS         | 2/2/2011  | S.S.   | ***-**-2914                     |

|    |    |                               |           |      |             |
|----|----|-------------------------------|-----------|------|-------------|
| 70 | 41 | KEITH DARNELL<br>DILLARD, JR. | 2/4/2011  | J.W. | ***-**-2421 |
| 71 | 44 | THOMAS ISAIAH<br>BRANCH, JR.  | 2/10/2011 | H.T. | ***-**-2222 |
| 72 | 49 | THOMAS ISAIAH<br>BRANCH, JR.  | 2/28/2011 | F.W. | ***-**-9397 |
| 73 | 51 | NNEKA AYANNA<br>DAVIS         | 3/24/2011 | K.K. | ***-**-5612 |

All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNTS SEVENTY-FOUR THROUGH ONE HUNDRED TWENTY-FOUR

1. The allegations of paragraphs of One through Fourteen of Counts One through Fifty-One are realleged and incorporated by reference.

2. On or about the dates specified below, in the County of Guilford, in the Middle District of North Carolina, and elsewhere, the defendants specified below willfully aided, assisted, counseled, procured, and advised the preparation and presentation to the Internal Revenue Service of the tax returns specified below, which they knew to be false and fraudulent as to the material matters specified below:

| Count | Defendant Charged               | Date      | Client | Tax Year | False Item(s)                       |
|-------|---------------------------------|-----------|--------|----------|-------------------------------------|
| 74    | NNEKA AYANNA<br>DAVIS           | 1/16/2009 | M.R.   | 2008     | unreported tip<br>income \$1,500.00 |
| 75    | THOMAS<br>ISAIAH<br>BRANCH, JR. | 1/29/2009 | T.H.   | 2008     | dependent W.R.                      |

|    |                                  |           |      |      |   |
|----|----------------------------------|-----------|------|------|---|
| 76 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/2/2009  | B.G. | 2008 | wages \$8,537.00  |
| 77 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/9/2009  | D.S. | 2008 | dependent G.B.;<br>qualified<br>education expenses<br>\$1,850.00  |
| 78 | NNEKA AYANNA<br>DAVIS            | 2/27/2009 | L.M. | 2008 | wages \$7,177.00  |
| 79 | NNEKA AYANNA<br>DAVIS            | 1/19/2010 | M.R. | 2009 | unreported tip<br>income \$4,320.00   |
| 80 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 1/20/2010 | A.M. | 2009 | wages \$8,124.00  |
| 81 | NNEKA AYANNA<br>DAVIS            | 1/26/2010 | R.H. | 2009 | dependent T.A.  |
| 82 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/1/2010  | K.B. | 2009 | household help<br>income \$5,000.00   |
| 83 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/1/2010  | H.G. | 2009 | qualified<br>education expenses<br>\$1,126.00   |
| 84 | NNEKA AYANNA<br>DAVIS            | 2/2/2010  | J.S. | 2009 | wages \$8,943.00  |
| 85 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/3/2010  | J.C. | 2009 | dependent P.G.  |
| 86 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/3/2010  | S.H. | 2009 | qualified<br>education expenses<br>\$1,187.00   |
| 87 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/5/2010  | C.R. | 2009 | dependent D.M.  |
| 88 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/8/2010  | C.S. | 2009 | qualified<br>education expenses<br>\$3,750.00   |
| 89 | NNEKA AYANNA<br>DAVIS            | 2/8/2010  | V.M. | 2009 | qualified<br>education expenses<br>\$3,011.00;<br>taxpayer's adult<br>child falsely<br>claimed as<br>disabled |

|     |                                  |           |      |      |   |
|-----|----------------------------------|-----------|------|------|---|
| 90  | KEITH<br>DARNELL<br>DILLARD, JR. | 2/10/2010 | D.H. | 2009 | disability;<br>qualified<br>education expenses<br>\$1,850.00  |
| 91  | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/12/2010 | L.M. | 2009 | dependent C.G.  |
| 92  | KEITH<br>DARNELL<br>DILLARD, JR. | 2/12/2010 | L.W. | 2009 | dependent M.W.;<br>wages \$6,857.00   |
| 93  | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/16/2010 | T.H. | 2009 | dependent S.M.;<br>household help<br>income \$6,928.00  |
| 94  | KEITH<br>DARNELL<br>DILLARD, JR. | 2/22/2010 | B.G. | 2009 | dependent C.T.;<br>unreported tip<br>income \$4,121.00  |
| 95  | KEITH<br>DARNELL<br>DILLARD, JR. | 3/1/2010  | R.W. | 2009 | dependent H.W.;<br>qualified<br>education expenses<br>\$1,650.00  |
| 96  | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 3/10/2010 | D.S. | 2009 | dependent H.T.;<br>qualified<br>education expenses<br>\$1,560.00  |
| 97  | NNEKA AYANNA<br>DAVIS            | 1/14/2011 | M.R. | 2010 | unreported tip<br>income \$3,988.00   |
| 98  | NNEKA AYANNA<br>DAVIS            | 1/18/2011 | C.B. | 2010 | qualified<br>education expenses<br>\$1,500.00; IRA<br>contribution<br>\$1,000.00                              |
| 99  | KEITH<br>DARNELL<br>DILLARD, JR. | 1/19/2011 | M.G. | 2010 | qualified<br>education expenses<br>\$1,450.00   |
| 100 | NNEKA AYANNA<br>DAVIS            | 1/20/2011 | V.M. | 2010 | qualified<br>education expenses<br>\$1,498.00;<br>taxpayer's adult<br>child falsely<br>claimed as<br>disabled |

|     |                                  |           |      |      |  |
|-----|----------------------------------|-----------|------|------|--|
| 101 | KEITH<br>DARNELL<br>DILLARD, JR. | 1/22/2011 | M.G. | 2010 | dependent I.E.;<br>unreported tip<br>income \$1,750.00;<br>qualified<br>education expenses<br>\$1,800.00               |
| 102 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 1/24/2011 | T.H. | 2010 | dependent J.P.;<br>unreported tip<br>income \$6,422.00   |
| 103 | KEITH<br>DARNELL<br>DILLARD, JR. | 1/24/2011 | G.M. | 2010 | dependent S.M.   |
| 104 | NNEKA AYANNA<br>DAVIS            | 1/24/2011 | J.S. | 2010 | unreported tip<br>income \$3,998.00;<br>qualified<br>education expenses<br>\$1,225.00                                  |
| 105 | KEITH<br>DARNELL<br>DILLARD, JR. | 1/26/2011 | D.G. | 2010 | dependent H.P;<br>unreported tip<br>income \$2,940.00  |
| 106 | NNEKA AYANNA<br>DAVIS            | 1/28/2011 | L.M. | 2010 | unreported tip<br>income \$2,550.00  |
| 107 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 1/31/2011 | A.M. | 2010 | unreported tip<br>income \$5,780.00  |
| 108 | NNEKA AYANNA<br>DAVIS            | 1/31/2011 | B.S. | 2010 | dependent D.W.;<br>unreported tip<br>income \$1,200.00   |
| 109 | NNEKA AYANNA<br>DAVIS            | 2/1/2011  | J.S. | 2010 | dependent M.W.   |
| 110 | NNEKA AYANNA<br>DAVIS            | 2/1/2011  | S.S. | 2010 | unemployment<br>benefits \$0;<br>unreported tip<br>income \$4,065.00;<br>qualified<br>education expenses<br>\$1,000.00 |
| 111 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/2/2011  | K.B. | 2010 | unreported tip<br>income \$5,840.00;<br>qualified<br>education expenses<br>\$1,956.00                                  |
| 112 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/2/2011  | S.H. | 2010 | unreported tip<br>income \$8,402.00  |



|     |                                  |           |                     |      |   |
|-----|----------------------------------|-----------|---------------------|------|---|
| 113 | NNEKA AYANNA<br>DAVIS            | 2/2/2011  | R.H                 | 2010 | dependent S.S.;<br>qualified<br>education expenses<br>\$1,958.00  |
| 114 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/4/2011  | C.S.                | 2010 | dependent J.W.;<br>qualified<br>education expenses<br>\$3,350.00  |
| 115 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/9/2011  | D.H.                | 2010 | disability;<br>qualified<br>education expenses<br>\$2,350.00;<br>Schedule C net<br>income \$5,840.00    |
| 116 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/10/2011 | C.P.                | 2010 | unreported tip<br>income \$10,770.00  |
| 117 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/10/2011 | D.S.                | 2010 | dependent H.T;<br>qualified<br>education expenses<br>of \$4,000.00 for<br>D.S. and \$950.00<br>for H.T. |
| 118 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/11/2011 | T.M.                | 2010 | qualified<br>education expenses<br>\$2,987.00   |
| 119 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/11/2011 | M.M.                | 2010 | qualified<br>education expenses<br>\$2,850.00   |
| 120 | KEITH<br>DARNELL<br>DILLARD, JR. | 2/12/2011 | S.C.<br>and<br>B.C. | 2010 | qualified<br>education expenses<br>\$969.00   |
| 121 | NNEKA AYANNA<br>DAVIS            | 2/18/2011 | B.H.                | 2010 | unreported tip<br>income \$4,285.00   |
| 122 | THOMAS<br>ISAIAH<br>BRANCH, JR.  | 2/28/2011 | L.M.                | 2010 | dependent F.W.;<br>qualified<br>education expenses<br>\$3,398.00  |
| 123 | KEITH<br>DARNELL<br>DILLARD, JR. | 3/22/2011 | K.M.                | 2010 | qualified<br>education expenses<br>\$4,000.00   |

|     |                       |           |      |      |  |
|-----|-----------------------|-----------|------|------|--|
| 124 | NNEKA AYANNA<br>DAVIS | 3/24/2011 | D.M. | 2010 | dependent K.K.;<br>qualified<br>education expenses<br>\$1,980.00;<br>unreported tip<br>income \$4,725.00 |
|-----|-----------------------|-----------|------|------|--|

All in violation of Title 26, United States Code, Section 7206(2).

COUNT ONE HUNDRED TWENTY-FIVE

On or about March 23, 2011, in the County of Guilford, in the Middle District of North Carolina, and elsewhere, KEITH DARNELL DILLARD, JR., having devised a scheme and artifice to defraud and for obtaining money by means of false or fraudulent pretenses, representations, and promises, as described in paragraphs One through Fourteen of Counts One through Fifty-One, which are realleged and incorporated by reference herein, for the purpose of executing said scheme and artifice transmitted and caused to be transmitted by means of wire communications in interstate commerce certain writings, signs, signals, pictures, and sounds, that is, a federal income tax return for an individual representing herself to be "S.T," but who was in fact an undercover agent of the Internal Revenue Service, which tax return KEITH DARNELL DILLARD, JR., then and there knew to be false as to a material matter, in that it claimed education credits that KEITH DARNELL DILLARD, JR., knew the taxpayer was not entitled to claim, and which tax return was transmitted by

means of electronic wire communications in interstate commerce from the NBT office in Greensboro, North Carolina, to an IRS Service Center outside the state of North Carolina.

In violation of Title 18, United States Code, Section 1343.

COUNT ONE HUNDRED TWENTY-SIX

1. The allegations of paragraphs One through Fourteen of Counts One through Fifty-One, and the allegations of Count One Hundred Twenty-Five, are realleged and incorporated by reference.

2. On or about March 23, 2011, in the County of Guilford, in the Middle District of North Carolina, and elsewhere, KEITH DARNELL DILLARD, JR., during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit: wire fraud, in violation of Title 18, United States Code, Section 1343, as alleged in Count One Hundred Twenty-Five and incorporated by reference herein, knowingly possessed and used, without lawful authority, a means of identification of another person, that is, the name Ronald Hairston, in that KEITH DARNELL DILLARD, JR., falsely stated on the tax return that Ronald Hairston was the paid preparer of the return, when in fact KEITH DARNELL DILLARD, JR. was the paid preparer.


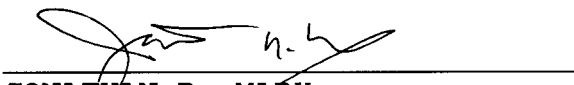
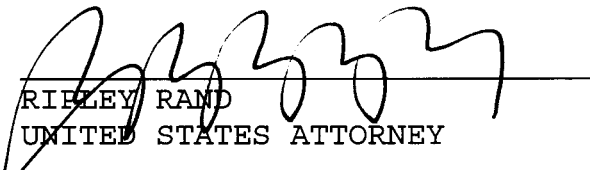
In violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT ONE HUNDRED TWENTY-SEVEN

On or about March 23, 2011, in the County of Guilford, in the Middle District of North Carolina, and elsewhere, KEITH DARNELL DILLARD, JR., willfully aided, assisted, counseled, procured, and advised the preparation and presentation to the Internal Revenue Service of a document under the internal revenue laws, specifically a tax return for an individual representing herself to be "S.T.," which KEITH DARNELL DILLARD, JR., then well knew to be false as to a material matter, in that the return reported that the taxpayer was entitled to claim qualified education expenses in the amount of \$2,130.00, when in fact, as KEITH DARNELL DILLARD, JR., then and there well knew and believed, the taxpayer had not incurred any creditable education expenses.

In violation of Title 26, United States Code, Section  
7206(2).

A TRUE BILL

  
\_\_\_\_\_  
FRANK J. CHUT, JR.  
ASSISTANT UNITED STATES ATTORNEY  
\_\_\_\_\_  
JONATHAN R. MARX  
TRIAL ATTORNEY  
\_\_\_\_\_  
RIPLEY RAND  
UNITED STATES ATTORNEY